

or more pharmaceutical intermediate or final products using carbon tetrachloride or methylene chloride as a reactant or process solvent. Pharmaceutical production process does not mean process operations involving formulation activities, such as tablet coating or spray coating of drug particles, or solvent recovery or waste management operations.

Polybutadiene production means a process that produces polybutadiene through the polymerization of 1,3-butadiene.

Polycarbonates means a special class of polyester formed from any dihydroxy compound and any carbonate diester or by ester interchange. Polycarbonates may be produced by solution or emulsion polymerization, although other methods may be used. A typical method for the manufacture of polycarbonates includes the reaction of bisphenol-A with phosgene in the presence of pyridine to form a polycarbonate. Methylene chloride is used as a solvent in this polymerization reaction.

Polysulfide rubber means a synthetic rubber produced by reaction of sodium sulfide and p-dichlorobenzene at an elevated temperature in a polar solvent. This rubber is resilient and has low temperature flexibility.

Process Unit means the group of equipment items used to process raw materials and to manufacture a product. For the purposes of this subpart, process unit includes all unit operations and associated equipment (e.g., reactors and associated product separators and recovery devices), associated unit operations (e.g., extraction columns), any feed and product storage vessels, and any transfer racks for distribution of final product.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products except in a de minimis manner.

Source means the collection of equipment listed in § 63.190(d) to which this subpart applies as determined by the

criteria in § 63.190. For purposes of subparts H and I of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

Styrene-butadiene rubber production means a process that produces styrene-butadiene copolymers, whether in solid (elastomer) or emulsion (latex) form.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Symmetrical tetrachloropyridine means the chemical with CAS number 2402–79–1.

*Tordon acid*TM means the synthetic herbicide 4-amino-3,5,6-trichloropicolinic acid, picloram. The category includes, but is not limited to, chlorination processes utilized in TordonTM acid production.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18026, 18030, Apr. 10, 1995; 61 FR 31442, June 20, 1996; 62 FR 2792, Jan. 17, 1997]

§ 63.192 Standard.

(a)(1) The owner or operator of a source subject to this subpart shall comply with the requirements of subpart H of this part for the processes and designated organic HAP's listed in § 63.190(b) of this subpart.

(2) The owner or operator of a pharmaceutical production process subject to this subpart may define a process unit as a set of operations, within a source, producing a product, as all operations collocated within a building or structure or as all affected operations at the source.

(b) All provisions in §§ 63.1 through 63.15 of subpart A of this part which apply to owners and operators of sources subject to subparts I and H of this part, are:

(1) The applicability provisions of § 63.1 (a)(1), (a)(2), (a)(10), (a)(12) through (a)(14);

(2) The definitions of § 63.2 unless changed or modified by specific entry in § 63.191 or § 63.161;

(3) The units and abbreviations in § 63.3;

(4) The prohibited activities and circumvention provisions of § 63.4 (a)(1), (a)(2), (a)(3), (a)(5), and (b);

(5) The construction and reconstruction provisions of § 63.5(a), (b)(1), (b)(3), (d) (except the review is limited to the equipment subject to the provisions of subpart H), (e), and (f);

(6)(i) The compliance with standards and maintenance requirements of § 63.6(a), (b)(3), (c)(5), (e), (i)(1), (i)(2), (i)(4)(i)(A), (i)(6)(i), (i)(8) through (i)(10), (i)(12) through (i)(14), (i)(16), and (j);

(ii) The operational and maintenance requirements of § 63.6(e). The startup, shutdown, and malfunction plan requirement of § 63.6(e)(3) is limited to control devices subject to the provisions of subpart H of part 63 and is optional for other equipment subject to subpart H. The startup, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair.

(7) With respect to flares, the performance testing requirements of § 63.7(a)(3), (d), (e)(1), (e)(2), (e)(4), and (h);

(8) The notification requirements of § 63.9 (a)(1), (a)(3), (a)(4), (b)(1)(i), (b)(4), (b)(5) (except, use the schedule specified in subpart H), (c), (d), and (i);

(9) The recordkeeping and reporting requirements of § 63.10(a) and (f);

(10) The control device requirements of § 63.11(b); and

(11) The provisions of § 63.12 through § 63.15.

(c) Initial performance tests and initial compliance determinations shall be required only as specified in subpart H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the applicable sections of subpart H.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

NOTE: This requirement does not apply to equipment subject to monitoring using Method 21 of part 60, appendix A.

(3) Performance tests shall be conducted according to the provisions of § 63.7(e) of subpart A of this part, except that performance tests shall be

conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable subpart, or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(d) An application for approval of construction or reconstruction, 40 CFR 63.5 of this chapter, will not be required if:

(1) The new process unit complies with the applicable standards in § 63.162 or § 63.178 of subpart H of this part; and

(2) In the next semiannual report required by § 63.182(d) of subpart H of this part, the information in § 63.182(c) of subpart H of this part is reported.

(e) If an owner or operator of a process plans to eliminate the use or production of all HAP's that cause the process to be subject to the provisions of subparts I and H of this part no later than 18 months after April 22, 1994, the owner or operator shall submit to the Administrator a brief description of the change, identify the HAP's eliminated, and the expected date of cessation of operation of the current process, by no later than January 23, 1995.

(f) Each owner or operator of a source subject to subparts I and H of this part shall keep copies of all applicable reports and records required by subpart H for at least 2 years, except as otherwise specified in subpart H. If an owner or operator submits copies of reports to the applicable EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of § 63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of reports.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible

from a central location by computer or other means that provides access within 2 hours after a request.

(2) The owner or operator subject to subparts I and H of this part shall keep the records specified in this paragraph, as well as records specified in subpart H of this part.

(i) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of a process subject to this subpart as specified in § 63.190(b) of this subpart.

(ii) Records of the occurrence and duration of each malfunction of air pollution control equipment or continuous monitoring systems used to comply with subparts I and H of this part.

(iii) For each start-up, shutdown, and malfunction, records that the procedures specified in the source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. These records may take the form of a "checklist," or other form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for the event.

(g) All reports required under subpart H shall be sent to the Administrator at the addresses listed in § 63.13 of subpart A of this part.

(1) Wherever subpart A specifies "postmark" dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent on or before the specified date.

(2) If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(h) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in organic HAP emissions at least equivalent to the reduction in organic HAP emissions from that source achieved under any design, equipment, work practice, or operational standards in subpart H of this part, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(1) The notice may condition the permission on requirements related to the

operation and maintenance of the alternative means.

(2) Any notice under paragraph (h) of this section shall be published only after public notice and an opportunity for a hearing.

(3) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emission reductions.

(i) Each owner or operator of a source subject to this subpart shall obtain a permit under 40 CFR part 70 or part 71 from the appropriate permitting authority.

(1) If EPA has approved a State operating permit program under 40 CFR part 70, the permit shall be obtained from the State authority.

(2) If the State operating permit program has not been approved, the source shall apply to the EPA regional office pursuant to 40 CFR part 71.

(j) The requirements in subparts I and H of this part are Federally enforceable under section 112 of the Act on and after the dates specified in § 63.190(d) of this subpart.

(k) The owner or operator of a process unit which meets the criteria of § 63.190 (c), shall comply with the requirements of either paragraph (k)(1) or (k)(2) of this section.

(1) Retain information, data, and analysis used to determine that the process unit does not have the designated organic hazardous air pollutant present in the process. Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the chemical manufacturing process unit does not have the designated organic hazardous air pollutant present in the process.

(1) To qualify for the exemption specified in § 63.190(b)(7) of this subpart, the owner or operator shall maintain the documentation of the information required pursuant to § 63.190(b)(7)(i), and documentation of any update of this

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information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request. The EPA Regional Office will notify the owner or operator, after reviewing such documentation, whether, in the EPA Regional Office's judgement, the source does not qualify for the exemption specified in § 63.190(b)(7) of this subpart. In such cases, compliance with this subpart shall be required no later than 90 days after the date of such notification by the EPA Regional Office.

(m) An owner or operator who elects to use the compliance extension provisions of § 63.190(e)(5) (i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than May 10, 1995. The request shall contain the information specified in § 63.190(e)(4)(iv) and the reason compliance cannot reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H or replacement of the compressor or recasting of the distance piece.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18026, 18030, Apr. 10, 1995; 61 FR 31442, June 20, 1996; 62 FR 2793, Jan. 17, 1997]

§ 63.193 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal

agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.190 and 63.192(a) through (b), (e), and (h) through (j). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37345, June 23, 2003]

Subpart J—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production

SOURCE: 67 FR 45891, July 10, 2002 unless otherwise noted.

WHAT THIS SUBPART COVERS

§ 63.210 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for polyvinyl chloride (PVC) and copolymers production.

§ 63.211 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a PVC plant, as defined in 40 CFR 61.61(c) of this chapter, that is a major source of hazardous air pollutants (HAP) emissions or that is located at, or is part of, a major source of HAP emissions.

(b) You are a major source of HAP emissions if you own or operate a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year.